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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/530,936 08/18/00 PICKERT

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MMC2/0724

EXAMINER

MCCALL E

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

07/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/530,936

Applicant(s)

PICKERT ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

**METHOD AND DEVICE FOR MONITORING
AND/OR DETERMINING MOTOR OIL QUALITY**

FIRST OFFICE ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the invention as claimed. Specifically, the method as claimed in claims 17-32 and the device for carrying out the method as claimed in claims 33-38 are not clearly depicted in any of the drawings. The Applicants are reminded that any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Abstract

✓ In the preliminary amendment (paper no. 7) entered Jan. 11, 2001, a statement was made that a new abstract was attached thereto. However, the Examiner states that no new abstract was attached. Applicants are asked to resubmit said new abstract.

Claims

Objections

✓ Claim 20 is objected to because the term "engines" in line 2 should be changed to --engine is--;

Claim 28 is objected to because in line 2; the word --is-- should be inserted after the phrase "the engine"; and

Claim 34 is objected to because in line 1; the phrase "one of" should be deleted.

35 U.S.C. 112

✓ Claims 17-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The following terms lack antecedent basis:

- Claim 18, line 4; "the temperature";
lines 4/5; "the frictional torque";
- Claim 19, line 2; "the frictional torque";
line 3; "the starter motor torque";
- Claim 20, line 2; "the frictional torque";
- Claim 21, line 2; "the frictional torque";
- Claim 22, line 2; "the reversible temperature effect";
- Claim 23, line 2; "the value";
line 3; "the same temperature";
- Claim 24, line 1; "the viscosity";
line 1; "the motor oil";
line 3; "the motor oil";
line 3; "the engine frictional torque";
- Claim 25, line 2; "the motor oil";
line 2; "the engine frictional torque";
- Claim 26, line 2; "the engine frictional torque";
line 2; "the engine data";

- Claim 27, line 4; "the drive train";
line 4; "the operating condition";
line 5; "the engine frictional torque";
- Claim 28, lines 3/4; "the drive train";
line 4; "the load signal";
line 4; "the generator";
line 4; "the electric power";
line 5; "the generator";
line 5; "the injected amount";
lines 5/6; "the engine temperature";
lines 6/7; "the engine frictional torque";
- Claim 29, line 2; "the frictional torque";
line 2; "the determination";
lines 2/3; "the start torque";
line 3; "the engine acceleration power";
- Claim 31, line 2; "the starter torque";
line 2; "the electric power consumed";
- Claim 32, line 5; "the frictional torque";
- Claim 33, lines 4/5; "the viscosity"; and
- Claim 35, lines 4/5; "the viscosity".

Also, the following claims are indefinite for the following reasons:

Claim 17 is indefinite because said claim is directed to "A method for determining motor oil quality.... comprising the step of:", however no step is set forth which discloses how the motor oil quality is determined.

Claim 18 is indefinite because said claim is directed to "A method for determining motor oil quality.... comprising the step of:", however no step is set forth which discloses how the motor oil quality is determined.

Claim 20 is indefinite because claim 20 states that the frictional torque is derived from a measurement of electric power consumed by the starter and a known power curve. However, claim 20 is dependent upon claim 19, and claim 19 states that the frictional torque is derived from starter motor torque. Thus, a contradiction exists.

Claim 21 is indefinite because claim 21 states that the frictional torque is derived from a measurement of power consumption during engine acceleration. However, claim 21 is dependent upon claim 19, and claim 19 states that the frictional torque is derived from starter motor torque. Thus, a contradiction exists.

Claim 22 is indefinite as to the specific meaning of "taken into account".

Claim 23 is indefinite as to the specific meaning of "taken into account" in lines 1/2 and "the value" in line 2.

Claim 24 is indefinite because said claim is directed to "A method of determining the viscosity of motor oil.... comprising the step of:", however no step is set forth which discloses how the motor oil viscosity is determined.

Claim 25 is indefinite because claim 25 states that the viscosity of the motor oil is derived from an estimate of engine frictional torque. However, claim 25 is dependent upon claim 24, and claim 24 states that the viscosity of the motor oil is determined from engine frictional torque (not an estimate). Thus, a contradiction exists.

Claim 29 is indefinite because claim 29 states that the frictional torque is derived from the start torque and acceleration power consumed. However, claim 29 is dependent upon claim 27, and claim 27 states that the engine frictional torque is determined from one of the data in the non-inclusive (ie. "consisting of") group claimed. Thus, a contradiction exists.

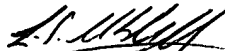
Art Unit: 2855

Relevant Art

Applicants' attention is directed to the enclosed "PTO-892" form for the prior art made of record and not relied upon but considered pertinent to the Applicants' disclosure.

Conclusion

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
A.U. 2855
July 20, 2001